

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 05-10088-MBB

JULIANNE MARIE EVANS
Plaintiff,

vs.

NANTUCKET COMMUNITY SAILING, INC.,
RONAN O'SIOCHRU and DONNCHA KIELY
Defendants.

DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION TO REVOKE STIPULATION LIMITING CLAIMS
FOR DAMAGES TO THOSE RELATED TO TASTE AND SMELL

Now come the defendants, Nantucket Community Sailing, Inc., Ronan O'Siochru, and Donncha Kiely, in the above captioned action, by and through their undersigned counsel, and file their *Opposition to Plaintiff's Motion to Revoke Stipulation Limiting Claims for Damages to Those Related to Taste and Smell*.

The defendants submit in support of their *Opposition* that the plaintiff has not met the legal requirement of good cause, the motion unfairly prejudices the defendants, the motion is not in the interests of justice, it is untimely, and the plaintiff has alleged no factual basis for mistake or excusable neglect as will more fully appear in defendants' memorandum of law and fact submitted herewith.

WHEREFORE, the defendants pray that this Honorable Court deny *Plaintiff's Motion to Revoke Stipulation Limiting Claims for Damages to Those Related to Taste and Smell* or in the alternative if the motion is allowed, to condition such allowance upon

the payment of all fees and costs incurred by the defendants in conducting further and repeated discovery in this action.

Respectfully submitted,
By their attorneys,

CLINTON & MUZYKA, P.C.,

“/s/Thomas J. Muzyka”

Thomas J. Muzyka

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